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10/006,952	11/05/2001	David Kammer	035451-0169 (3707.Palm)	2782
26371	7590	02/15/2007	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306			SAMS, MATTHEW C	
		ART UNIT	PAPER NUMBER	
		2617		
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		02/15/2007	PAPER	

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10/006.952

APPLICATION NO./ CONTROL NO. 10/006,952	FILING DATE 11/5/2001	FIRST NAMED INVENTOR / David Kammer PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. 035451-0169 (3707.Palm)
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EXAMINER

Matthew C. Sams

ART UNIT PAPER

2617 20061031

DATE MAILED:

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Commissioner for Patents

The Reply Brief filed on 9/13/2006 has been noted.
A clarification by the Examiner is included.

Matthew C. Sams
11/16/2006


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER

Reply Brief Noted and Supplemental Examiner's Answer

1. The Reply Brief filed on 9/13/2006 has been received and entered.
2. Responsive to the Reply Brief on 9/13/2006, a supplemental Examiner's Answer is set forth below:
3. In the Examiner's Answer, the Examiner first presented the following argument:

The Appellant is arguing that Hendrey, *viewed as a whole, teaches that a separate matchmaker creates a list in response to user initiation, but does not provide it to the user for display*. However, in Col. 12 lines 52-56, Hendrey clearly teaches that the matchmaker could be automated (and separate as Appellant argues) but alternatively also explicitly recites that the matchmaker could "be partially or entirely a person using a telecommunication device and having access to distance information". The Examiner considers that in order for a user to perform the functions of selecting users from a filtered list and calling each user on the list that the list must logically be displayed on a display to the matchmaking user. (Examiner's Answer Page 10 lines 3-11)

4. In response, the Appellant argued:

"Even the Examiner's statement that "in order for a user to perform functions of selecting users from a filtered list and calling each user on the list[,] the list must be logically displayed on a display to the matchmaking use" (emphasis added) implies that any display that may be provided by a matchmaker is displayed "to the matchmaking user," and not the user of the wireless device. Thus, even if the matchmaker displays a list of potential callees, the list is not displayed to the mobile user such that the mobile

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user may make selections from the list, as in the subject matter claimed in the present application." (Reply Brief Page 3 lines 1-8)

5. In response to the Appellant's argument above, the Examiner would like to clarify his position.

It is the Examiner's opinion that "activates a matchmaking feature on his/her MU 101a" (Hendrey Col. 9 lines 45-48) and a "matchmaker 107 may be partially or entirely a person using a telecommunication device and having access to distance information provided by telecommunication infrastructure 120" (Hendrey Col. 12 lines 52-56) teaches that the matchmaking feature can be integrated into a mobile device and controlled by the user of the mobile device with the matchmaking feature.

It is the Examiner's opinion that a user of a mobile device with an integrated matchmaking feature would meet the first requirement of a "matchmaker" that is a "person using a telecommunication device". (Hendrey Col. 12 lines 53-55) It is the Examiner's opinion that since the "request for matchmaking via a wireless link 110 through telecommunication system infrastructure 120" (Hendrey Col. 9 lines 54-56) is an implicit request for location information (Hendrey Col. 9 lines 57-67), the user of a mobile device with an integrated matchmaking feature meets the second requirement of a "matchmaker" that is "having access to distance information provided by telecommunication infrastructure 120". (Col. 12 lines 55-56) Therefore, it is obvious that Hendrey teaches "the matchmaking user" can be the same as "the mobile user".

6. The Examiner's clarified position stands as:

However, in Col. 12 lines 52-56, Hendrey clearly teaches that the matchmaker could be automated (and separate as Appellant argues) but also explicitly recites that

the matchmaker could "be partially or entirely a person using a telecommunication device and having access to distance information". Hendrey further teaches a user "activates a matchmaking feature on his/her MU 101a". (Hendrey Col. 9 lines 45-48) The Examiner's opinion is that the matchmaking feature can be integrated into a mobile device and controlled by the user of the mobile device because this meets the first requirement set forth in Hendrey for a "matchmaker", which is a "person using a telecommunication device". (Col. 12 lines 53-55) Hendrey further teaches that the "request for matchmaking via a wireless link 110 through telecommunication system infrastructure 120" (Hendrey Col. 9 lines 54-56) is an implicit request for location information (Hendrey Col. 9 lines 57-67), therefore the user of a mobile device with a matchmaking feature meets the second requirement of a "matchmaker" that is "having access to distance information provided by telecommunication infrastructure 120". (Hendrey Col. 12 lines 55-56) Therefore, the Examiner considers that in order for a user to perform the functions of selecting users from a filtered list and calling each user on the list, that the list must logically be displayed on a display to the matchmaking user.

7. Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:

MCS
11/16/2006


Andrew I. Falie, Director
Technology Center 2600